

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID COX,

Plaintiff,

v.

Civil Action No.05 -cv-11608

RYAN MARINI, SEAN BORDWELL,
AND ANDREW KIRIAKOS

Defendants.

PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT

The Plaintiff, David Cox, ("Plaintiff Cox"), hereby moves, pursuant to Fed. R. Civ. P. 55(a), that this Honorable Court enter default against Defendant Andrew Kiriakos for failure to plead or otherwise defend in this action. Plaintiff Cox also requests that notice of the Defendant Kiriakos' default be sent to him at 199 Rosemary Street, Apt. 2, Needham Heights, MA 02494. As grounds for this request, Plaintiff Cox states the following:

1. Service was effected upon Defendant Kiriakos in the above entitled matter on February 16, 2008, as shown by the Return of Service which were contained on the Summons which was recorded by the Court on February 21, 2008 as Returned and Executed; and
2. More than 20 days have passed since service was affected without Defendant Kiriakos filing an answer.

WHEREFORE, Plaintiff Cox, requests that the Court, enter default against Defendant Andrew Kiriakos.

DAVID COX,

By his attorneys,

HOLLAND & KNIGHT LLP

/s/ Damon P. Hart

Damon P. Hart (BBO No. 644586)

Jennifer Antoniazzi (BBO. No. 654653)

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Dated: March 27, 2008.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 27, 2008.

/s/ Damon P. Hart
Damon P. Hart